IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4803 of 2006

Date of decision : 21.9.2006.

Pal Singh.

.....Petitioner.

Versus

Ranjit Singh

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. V.K.Shukla, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against an order dated 17.8.2006 passed by the learned Addl. Civil Judge (Sr.Divn.),Jagraon vide which the application moved by the petitioner for leading secondary evidence to prove the extracts of the entries in the register of the Deed Writer, has been declined by holding that the document sought to be proved by the petitioner cannot be said to be the copies of the documents on which secondary evidence could be led.

The learned counsel for the petitioner contends that in the earlier order passed by this Court in a revision filed by the petitioner seeking amendment in the written statement liberty was granted to adduce all available evidence he could produce in accordance with amended written statement. The contention of the learned counsel for the petitioner that in

view of the order passed by this Court it was not open to the trial Court to reject the application of the petitioner because the onus to prove was on the petitioner.

There is no merit in the contention of the learned counsel for the petitioner as the evidence of the petitioner was not closed on the application filed by the petitioner for adducing secondary evidence. The application of the petitioner was rejected by holding that the evidence sought to be produced cannot be said to be secondary evidence.

Dismissed.

September 21,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**